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APPLICATION NO.	PLICATION NO. FILING DATE FIRST NAI		ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/813,327	03/20/2001	Remy F. Gross II	KAI475/4-2DIV	8411	
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VINSON & ELKINS, L.L.P. 1001 FANNIN STREET 2300 FIRST CITY TOWER HOUSTON, TX 77002-6760			EXAMINER SHERRER, CURTIS EDWARD		
			DATE MAILED: 01/17/2003	1	

Please find below and/or attached an Office communication concerning this application or proceeding.

Curtis E. Sherrer — The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply septided above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If the period for reply septided above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 13 November 2002. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 24-42 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 4 is/are allowed. 6) Claim(s) 4 is/are allowed. 6) Claim(s) 4 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.		09/813,327		GROSS ET AL.					
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Application/Control Number: 09/813,327

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DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the filter being placed so that it can "filter said beverage . . . after processing" must be shown (see claims 30 and 36) or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 24, 35, and 37 are indefinite because the scope of the term "about" is indefinite.

Claims 24 and 36 are indefinite because the scope of the phrase "partially aged beverage" is not known.

Claims 25 and 38 are indefinite because it is not clear what the "interchangeable cartridge" is interchangeable with.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 36 and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Apeldoorn et al. (U.S> Pat. No. 5,980,694)(hereinafter Apeldoorn).

Apeldoorn teaches the use of various apparatuses that includes closed system of piping which has various pumps, an inlet, several heat exchangers, a filter (5) and valves and a container. See Fig. 1-3. Several tanks are attached that could function to flush the system. The claims contain numerous phrases, such as, "for processing an unaged or partially aged beverage," for injecting gas or air," etc., that are considered to refer to intended uses of the claimed apparatus and, therefore, are not limitations upon the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis E. Sherrer whose telephone number is 703-308-3847. The examiner can normally be reached on Tuesday-Friday, 8AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3602 for regular communications and 703-305-3602 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Curtis E. Sherrer Primary Examiner

January 10, 2003